



Suter-Wallauch-Corbett & Associates

Government Relations

June 8, 2009
Agenda Item 6.1

May 29, 2009

TO: Dennis Fay, Executive Director
Alameda County Congestion Management Agency

Christine Monsen, Executive Director
Alameda County Transportation Improvement Authority

FR: Suter, Wallauch, Corbett & Associates

RE: Legislative Update

Joint Session: Governor Schwarzenegger has announced he will address a joint session of the Legislature on Tuesday, June 2. The time has not been announced, but the purpose of the meeting to discuss his proposal close the \$24 billion spending gap.

Conference Committee: Last week the Conference Committee heard from Finance, the Treasurer, and Controller about the bleak revenue forecast, the dire cash situation, and inability to expect any help from Wall Street. The Conference Committee reserved this past week for public testimony. The most difficult day was Wednesday's hearing on health and human services issues. The Governor has proposed eliminated CalWORKs, Healthy Families and other safety net programs, and the day was filled with wrenching stories of how eliminating these programs will render them unemployed, homeless and unable to cope without the medication and assistance these programs provide.

The messages were not any better on Thursday, which was reserved for comments on local government and transportation cuts. County Supervisors started the testimony by stating that they are willing to work with the state on how to deliver essential human services programs, but stressed that eliminating programs does not eliminate the need for services. Individuals relying on CalWORKs and other programs would be forced to turn to county funded general assistance and local emergency rooms. Representatives from cities, counties, and special districts also urged the Committee to reject the Governor's proposal to borrow \$2 billion property tax revenue.

Comments on transportation funding centered on the importance of addressing the operating needs of public transit service, and the economic impact and job loss that would occur if funding for STIP and many SHOPP projects is deferred or cut by suspending Prop 42 or diverting State Highway Account funds. In addition, AC Transit Board President, Rocky Fernandez testified that the diversion of property tax revenue could force AC Transit existing proposal to cut 15% of its service could grow to 30% if the state takes \$8 million in property tax revenue.

The Conference Committee will complete public testimony next week when it hears from education and public safety advocates. The Committee will then begin the process of taking action on the Governor's proposals as well as options from the LAO. Action on local government funding items is currently scheduled for Monday June 8.

Revised revisions: The Governor released a summary of the May Revision on May 14th with the expectation that the "official" Revision would be available by May 28th. While the revised Revision has been released yet, the Governor has issued lists of proposed cuts. So far three lists have been released with cuts ranging from the elimination of CalWORKs to reducing state salaries by 5%. The following are the cuts the Governor is proposing for transportation items, as well as a few more suggestions from the LAO. If you would like a complete list of the cuts for all program areas please contact our office, or visit the Department of Finance website at www.dof.ca.gov.

Governor's Proposed Transportation Cuts

Divert additional spillover revenue to offset general fund costs. The May Revision increases the amount of revenue attributed to "spillover" by \$337 million. The Governor proposes to use this revenue to offset the general fund cost for transportation bond debt payments. This revenue would normally flow to public transit operators, but the February budget suspended for the next five years all public transit funding. The spillover occurs when the sales tax on fuel purchases exceeds the amount of revenue generated by ¼ % of sales tax on all other transactions.

Cut gas tax subventions to cities and counties. Use \$750 million of the gas tax subventions to cities and counties to offset the general fund expense for transportation bond debt payments. Currently, \$1 billion of the gasoline excise tax revenue is distributed to cities and counties for local street and road maintenance. The Governor proposes to permanently reduce this amount to \$300 million. The LAO is proposing a temporary shift.

Redirect PTA resources to debt service. The Governor proposes to redirect \$315 million in Public Transportation Account (PTA) funds to reimburse the general fund for transportation bond debt payments. This transfer would also be made again in 2010-11 in the amount of \$389 million. This proposal would redirect toward debt service the home-to-school transportation funds that were originally used taken from public transit operators. This would eliminate most funding for yellow school bus service.

Use weight fees for payment of debt service. In the 2009-10 fiscal year the Governor proposes to redirect \$242 million in weight fees to pay for bond debt service. The State Constitution limits to 25% the amount of Article 19 funds that can be used for debt service. This proposal would include weight fees in that calculation, which enables the state to direct additional Article 19 funds to reimburse the general fund for transportation bond service.

LAO's Suggested Transportation Cuts:

Reduce Home-to-school transportation funding. The LAO recommends reducing home-to-school funding by \$288 million, and redirecting this revenue to regional center transportation costs and to reimburse the general fund cost for transportation bond debt service. As background, state transit money that previously went to public transit operators is primarily being used to fund home-to-school transportation. This shift from public transit to school buses also shifted revenue from urban transit operators, who are the school transportation provider, to rural and suburban yellow school bus operators.

Suspend Prop 42 funding. The LAO proposes to “partially” suspend Proposition 42 allocations to transportation. The proposal would suspend for one year 80% of Prop 42 revenue, which would eliminate funding for projects in the STIP and the allocation to cities and counties for local road projects. This would generate about \$1.2 billion for the general fund. The proposal does not call for suspending 100% of the program because the remaining 20% is dedicated to public transit operations, which is already being diverted to general fund purposes pursuant to the February budget.

Shift funds in the Motor Vehicle Account to the general fund. This proposal would shift about \$70 million in “non-Article 19” funds from the MVA to the general fund. Non-Article 19 funds are typically revenue generated through rents or leases of state owned space. The use of these funds is not restricted by Article 19 of the Constitution, which restricts how gas tax and vehicle license fees can be spent.

Use State Highway Account funds for bond debt payments. The LAO suggests using \$135 million in State Highway Account funds to offset the general fund cost for transportation bond debt payments. This could potential impact the delivery of SHOPP projects which are maintenance and rehabilitation projects on the state highway system. However, the LAO claims that Caltrans could impose administrative reductions, which would lessen the impact to SHOPP projects.

LEGISLATION

This week was the deadline for the Senate and Assembly Appropriations Committees to take action on all fiscal bills, which culminated with dreaded Suspense File hearings in both houses. The Suspense File is a holding place for measures with an estimated cost in excess of \$150,000. Action on these bills is deferred and taken at a single hearing. Given the magnitude of the state fiscal problems, both the Senate and Assembly held most measures on the Suspense File, which means the measure is dead for this year.

The Assembly Appropriations’ Suspense File consisted of 450 billion with an estimated cost of several billion dollars. The Assembly Committee approved 220 bills with an estimated cost of only \$6 million. The average cost of prior Suspense File actions totaled over \$600 million.

LEGISLATION

Bill	Topic	Status	Client-Position
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AB 497 (Block)(D) A-05/14/2009	Vehicles: high-occupancy vehicle lanes: used by physicians.	05/18/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/18/2009-S RLS.)	ACTIA-Oppose CMA-Oppose
	<p>NOTE: This bill would allow a physician to use an HOV lane regardless of occupancy requirements when traveling to an emergency call if the car displays an insignie to be developed by the Department of Motor Vehicles.</p> <p>Although several members of the committee expressed concerns about enforcement of this bill, AB 497 was approved by the Assembly and it is currently pending on the Senate.</p>		
AB 652 (Skinner)(D) A-04/29/2009	Vehicles: vehicle length limitation.	05/11/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/11/2009-S RLS.)	ACTIA-Support CMA-Support
	<p>NOTE: AB 652 was amended to apply only to AC Transit. As amended this bill creates a pilot program for AC Transit to test the use of bike racks that accommodate three bicycles. With this amendment, AB 652 was approved by the Assembly on a vote of 77-3.</p> <p>These larger capacity racks are 4 inches longer than existing bike racks, because of this added length both driver unions and the CHP have expressed concerns regarding the turning radius of the buses. AB 652 would require AC Transit report to the Legislature on its experience and if the added length causes any safety issues.</p>		
AB 672 (Bass)(D) A-05/19/2009	Transportation: bond-funded projects: letter of no prejudice.	05/28/2009-From APPR.: Do pass.To CONSENT CALENDAR. (05/28/2009-A CONSENT CALENDAR)	ACTIA-Support If Amended CMA-Watch
	<p>NOTE: This bill would establish a process for local and regional agencies to apply for a Letter of No Prejudice (LONP) for any project using Prop 1B funds.</p> <p>If approved by the entity administering the Prop 1B program, the LNOP will serve to ensure the project sponsor will be reimbursed for expending its own funds for any bond-funded component of the</p>		

	<p>project.</p> <p>Given the uncertainty of the state's budget and financial markets, Speaker Bass has introduced this measure to give local entities a means to deliver projects even if the bond funds are not available. However, the April 21 amendments raise some issues with how useful this measure would be. In order to apply for the LONP, the bill currently requires that the project component seeking the LONP must already be completed. Amendments are expected to address this confusing requirement.</p>		
AB 744 (Torrico)(D) A-04/21/2009	Transportation: toll lanes: Express Lane Network.	05/28/2009-From APPR. SUSPENSE FILE: Do pass as amended. (05/28/2009-A APPR. SUSPENSE FILE)	ACTIA-Support In Concept CMA-Support In Concept
	<p>NOTE: AB 744 was approved by the Assembly Appropriations Committee with amendments. The amendments should be in-print by early next week. This bill authorizes BATA to finance, construct and operate an express lane network in the Bay Area.</p> <p>As amended on April 21, the bill establishes a framework for creating corridor working groups that will plan and develop HOT lanes within each corridor. The bill specifies that after debt payments have been made excess toll revenue is allocated back to each corridor in proportion to the amount of revenue generated. The excess toll revenue shall be used to fund the corridor investment plan, which may include cost effective public transit. While a Congestion Management Agency may reject a HOT lane project proposed by the working group, the ultimate decision maker on whether a HOT lane is built or not is BATA.</p>		
AB 798 (Nava) (D) I-02/26/2009	California Transportation Financing Authority: toll facilities.	05/28/2009-From APPR. SUSPENSE FILE: Do pass. (05/28/2009-A APPR. SUSPENSE FILE)	ACTIA-Watch CMA-Support and Seek Amendments
	<p>NOTE: AB 798 was approved by the Assembly Transportation Committee, but was placed on the Assembly Appropriations Committee's Suspense File.</p> <p>The author has agreed to amend the bill to include bus related</p>		

	<p>projects; however, the amendment to remove the need for Bay Area counties to obtain MTC's approval prior to applying is still under review by the Treasurer's office.</p> <p>This bill is sponsored by the State Treasurer and would create the California Transportation Financing Authority (CTFA). The purpose of the Authority is to establish a source for local agencies to publicly finance toll projects and other transportation projects.</p>		
AB 1072 (Eng)(D) A-05/05/2009	Public Transportation Modernization, Improvement, and Service Enhancement Account.	05/28/2009-In Senate. Read first time. To Com. on RLS. for assignment. (05/28/2009-S RLS.)	ACTIA-Watch CMA-Watch
	<p>NOTE: AB 1072 is sponsored by the California Transit Association and would extend the application of the existing formula for distributing Prop 1B transit capital funds to future appropriations. In addition, AB 1072 was amended to make the following changes to the existing program that would enable transit operators to better manage these funds:</p> <ul style="list-style-type: none"> • A project sponsor may retain its funding share and can accumulate and utilize that funding in a subsequent year. • Authorizes a project sponsor to loan its allocation to another project sponsor with an eligible project to ensure that all allocations are put to use in a given fiscal year. • Authorizes allocations to be used in a subsequent fiscal year to fund completion of projects that were approved in a previous fiscal year. 		
AB 1135 (Skinner)(D) I-02/27/2009	Vehicles: registration renewal.	Held on Suspense File – Two-Year Bill	ACTIA-Watch CMA-Watch
	<p>NOTE: AB 1135 is currently on the Assembly Appropriations Suspense File. This bill would require an owner of a vehicle to report the odometer reading to the Department of Motor Vehicles when renewing the vehicle registration. The bill contains finding and declaration regarding the need for more accurate vehicle miles traveled data in order to improve transportation planning and estimates of air quality impacts.</p>		
AB 1175 (Torlakson)(D)	Toll facilities.	05/28/2009-From APPR. SUSPENSE	ACTIA-Watch CMA-Watch

A-04/14/2009		FILE: Do pass as amended. (05/28/2009-A APPR. SUSPENSE FILE)	
	<p>NOTE: AB 1175 was approved by the Assembly Appropriations Committee with amendments that should be in print next week. This bill adds the Antioch and Dumbarton bridges to the toll bridge seismic safety program. In addition, AB 1175 would authorize BATA to submit regional measures to increase tolls the voters.</p> <p>The regional measure must described the projects and programs to be funded, and the bill states the projects and programs shall consist of infrastructure projects, acquisition of transit vehicles, transit operating assistance, and other improvements that reduce congestion and improve travel options. The bill, however, does not specify how the expenditure plan would be developed.</p>		
AB 1321 (Eng) (D) A-05/06/2009	Environment: The Advance Infrastructure Mitigation Program Act.	Held on Suspense File – Two-Year Bill	ACTIA-Watch CMA-Watch
	<p>NOTE: AB 1321 would authorize the Natural Resources Agency (NRA) to develop a program to mitigate the impacts of infrastructure projects proposed by a public agency on a regional or statewide scale in advance of project approval.</p> <p>The bill would create the Advanced Infrastructure Mitigation Program under which NRA would develop “regional advance mitigation plans” (RAMP). The RAMP would be a plan that estimates the potential future compensatory mitigation requirements for one or more planned infrastructure projects and identifies mitigation projects, sites, or credits that would fulfill some or all of those requirements.</p> <p>This process would not replace CEQA, but it would essentially identify a mitigation plan for a project in advance of completing environmental review.</p>		
AB 1386 (Hayashi) A-04/22/2009	State highways.	05/28/2009-From APPR. SUSPENSE FILE: Do pass.	ACTA-Support CMA-Support

		(05/28/2009-A APPR. SUSPENSE FILE)	
	<p>NOTE: AB 1386 was approved by the Assembly Appropriations Committee on a vote of 10-3. The bill is now pending in the Assembly Floor.</p> <p>AB 1386 amends existing law to allow for the proceeds from the sale of state owned right-of-way along the proposed Route 238 corridor to be used for both state and local transportation improvements. Existing law limits the use of these funds to state facilities.</p> <p>The bill also includes language to relinquish portions of State Routes 92, 185, and 238 within the City of Hayward. Language is being incorporated into other amendments that would address the loss of state transportation funds that would result from relinquishing these highway sections.</p> <p>In addition, the bill amends both the Rt 238 and Rt 84 statutes to specify that the proceeds from the sale of property is deposited into a special account that AB 1386 creates until it is used to implement a LATIP project.</p>		
AB 1500 (Lieu) (D) A-04/29/2009	High-occupancy lanes: single occupancy vehicles: sunset date.	05/26/2009-Read second time. To third reading. (05/26/2009-A THIRD READING)	ACTIA-Oppose CMA-Oppose
	<p>NOTE: As introduced, AB 1500 would extend the sunset date by 5 years from January 1, 2011 to January 1, 2016 on existing law that allows specified types hybrid and low emission vehicles to use an HOV lane regardless of the number of occupants.</p> <p>As approved by the Assembly Transportation Committee this bill would only extend the sunset date for electric and other alternative fueled vehicles, such as natural gas vehicles. The exemption for hybrid vehicles would sunset on January 1, 2011.</p>		
ACA 9 (Huffman)(D) I-02/06/2009	Local government bonds: special taxes: voter approval.	05/07/2009-From committee: Be adopted, and re-refer	ACTIA-Support CMA-Support

		to Com. on REV. & TAX. Re-referred. (Ayes 5. Noes 2.) (
	<p>NOTE: This Constitutional Amendment would lower the voter threshold for local bonds and special taxes to 55% for infrastructure projects. ACA 9 was approved by the Assembly Local Government Committee and is currently pending in the Assembly Committee on Revenue & Taxation.</p> <p>The hearing deadlines do not apply to Constitutional Amendments.</p>		
ACA 15 (Arambula)(D) I-03/10/2009	Local government transportation projects: special taxes: voter approval.	05/28/2009-From APPR. SUSPENSE FILE: Do pass. (05/28/2009-A APPR. SUSPENSE FILE)	ACTIA-Support CMA-Support
	<p>NOTE: This measure amends the Constitution to lowers the constitutional vote requirement for approval of a special tax specifically for providing funding for local transportation projects from two-thirds to a 55% majority.</p> <p>ACA 15 was also approved by the Assembly Local Government Committee, and is currently pending in the Assembly Appropriations Committee's Suspense File.</p>		
SB 165 (Lowenthal) A-05/26/2009	Transportation.	05/27/2009-Read second time. To third reading. (05/27/2009-S THIRD READING)	ACTIA-Watch CMA-Watch
	<p>NOTE: SB 165 contains various clean-up provisions and non-controversial changes to transportation related laws. In particular, SB 165 included a change to SB 791 (Corbett) from last year, which allowed the proceeds from the right-of-way along Route 84 to be used on local projects. SB 165 has been amended to remove the proposed Route 84 LATIP changes.</p> <p>As introduced SB 165 contained change to specify that the excess property sold shall only be "non-residential" parcels. After further review, it was found that a single residential parcel exists within the corridor. Our office meet with Senator Corbett's staff and with representatives from the Western Center on Law and Poverty who</p>		

	originally requested adding the term “non-residential.” Since there was only one house in question, and the fact that this change could halt housing projects in the area, Western Center agreed not to pursue this change.		
SB 205 (Hancock) (D) A-04/14/2009	Traffic congestion: motor vehicle registration fees.	04/28/2009-Read second time. To third reading. (04/28/2009-S THIRD READING)	ACTIA-Support CMA-Sponsor
	NOTE: SB 205 is moving along and it is currently on the Senate Floor. This bill would allow any county congestion management agency to place on the ballot a majority vote measure to impose up to a \$10 fee on each vehicle for the purpose of funding congestion mitigation and air quality programs		
SB 391 (Liu) (D) A-05/04/2009	California Transportation Plan.	05/20/2009-Read second time. To third reading. (05/20/2009-S THIRD READING)	ACTA-Watch CMA-Watch
	NOTE: SB 391 requires Caltrans to update its state transportation plan by December 31, 2015 and every five years thereafter. This bill also requires that the plan to address how the state will meet the transportation infrastructure and mobility needs of California and attain air pollution standards required by federal and state law and achieve greenhouse gas (GHG) emissions reductions needed from the transportation sector.		
SB 406 (DeSaulnier)(D) A-05/28/2009	Land use: environmental quality.	05/28/2009-From committee: Do pass as amended. (Ayes 7. Noes 5.) Read second time. Amended. To third reading. (05/28/2009-S THIRD READING)	ACTIA-Watch CMA-Support
	NOTE: SB 406 authorizes regional planning agencies to impose up to a \$2 surcharge on vehicle registrations in order to fund regional land use planning activities. This bill also makes changes to the membership and duties of the Office of Planning and Research's Planning Advisory and Assistance Council. This bill was approved by both the Senate Transportation and the Senate Local		

<p>Government Committees, and it is currently in Senate Appropriations.</p> <p>The Planning Advisory and Assistance Council (PAAC) currently consist of representatives from cities, counties, and regional agencies that are appointed by the Director of the Governor's Office of Planning & Research. The PAAC assists OPR in the development State's Environmental Goals and Policies Report. SB 406 would significantly change the composition of the PAAC members and assign additional duties to the PAAC, such as coordinating regional blueprint plans.</p> <p>SB 406 also authorizes metropolitan planning organizations to impose up to a \$2 surcharge on each vehicle registered within the region. If the population exceeds 300,000 then all amounts above \$1 must be used for grants to cities and counties for planning and projects related to implementing a regional blueprint plan. In the Bay Area, the resolution imposing the surcharge must be adopted by both MTC and ABAG.</p>			
SB 425 (Simitian) (D) A-04/16/2009	Personal and corporate income taxes: deductions: parking: credits: ridesharing expenses.	05/13/2009-Placed on REV. & TAX. suspense file. (05/14/2009-S REV. & TAX SUSPENSE FILE)	ACTIA-Watch CMA-Watch
<p>NOTE: SB 425 has been amended to revise the parking cash out program by essentially shifting enforcement from the Air Resources Board to the Franchise Tax Board.</p> <p>Under this bill an employer subject to the requirements of the Parking Cash-out Program may not deduct the cost of providing parking subsidies from its gross income unless it is in compliance with the requirement. This bill also provides a tax credit to small businesses in an amount equal to 80 percent of costs incurred for qualified commute reduction expenditures. These commute reduction expenditures include a wide range of activities including monthly transit passes, vanpools, carpools, private bus service and the cost of facility improvements that encourage bicycling and alternative commute methods.</p>			
SB 526 (Ashburn)(R) I-02/27/2009	Intercity rail: study.	Held on Suspense File – Two-Year Bill	ACTIA-Watch CMA-Watch

	<p>NOTE: SB 526 was unanimously approved by the Senate Transportation Committee, and it is currently on the Senate Appropriations Suspense File.</p> <p>This bill authorizes Caltrans to enter into negotiations with the freight railroads, Union Pacific (UP) and the Burlington Northern Santa Fe (BNSF), and the commuter railroads, ACE and Caltrain, to extend at least one San Joaquin train via Altamont Pass to San Francisco and to report to the Legislature by March 1, 2010 on the status of negotiations.</p>		
<p>SB 535 (Yee)(D) A-05/06/2009</p>	<p>Vehicles: HOV lanes.</p>	<p>05/21/2009-In Assembly. Read first time. Held at Desk. (05/21/2009-A DESK)</p>	<p>ACTIA-Watch CMA-Oppose</p>
	<p>NOTE: NOTE: As introduced, SB 535 deletes the sunset date on existing law that allows exempts specified vehicles from HOV lanes occupancy requirements, but it retained language that would repeal the HOV lane exemption if federal law does not authorize these exemptions.</p> <p>As approved by the Senate Transportation Committee, SB 585 was amended to remove the sunset date on the HOV lane exemption for only the cleanest vehicles, such as zero emission vehicles and certain natural gas powered vehicles.</p> <p>However, this is placeholder language. The sponsor, General Motors, will be developing language to establish performance criteria to exempt lithium ion powered vehicles, such as the Volt, from HOV lane occupancy requirements.</p>		
<p>SB 575 (Steinberg)(D) A-05/04/2009</p>	<p>Local planning: housing element.</p>	<p>05/20/2009-Read second time. To third reading. (05/20/2009-S THIRD READING)</p>	<p>ACTIA-Watch CMA-Watch</p>
	<p>NOTE: SB 575 has been amended to include several clean-up provisions to SB 375 from last year. The bill currently contains the following changes:</p> <p>The exemption for transportation sales tax projects adopted prior to December 31, 2008 is clarified to state that the “internal consistency” requirement does not apply to projects funded solely by a local sales tax measure. (Self-Help Counties have requested</p>		

	<p>that the date be changed to December 31, 2010.)</p> <p>The rezoning requirement under housing element law is extended by 1 year if the local government has completed rezoning sufficient to accommodate 75% of the units as opposed to sites for very low and low income housing.</p> <p>Allows HCD to adjust the due dates for housing elements so that the deadline is 18 months after adoption of the region's RTP.</p> <p>The bill also clarifies a provision of last year's SB 732 regarding the open meeting requirements applicable to the Strategic Growth Council.</p>		
SB 632 (Lowenthal)(D) I-02/27/2009	Ports: congestion relief: air pollution mitigation.	05/21/2009-In Assembly. Read first time. Held at Desk. (05/21/2009-A DESK)	ACTIA-Watch CMA-Watch
	<p>NOTE: This bill is on the Senate Floor and it would require the Ports of LA, Long Beach, and Oakland to assess their infrastructure and air quality needs and submit a report to the Legislature. Specifically, the bill would require the Port to do the following:</p> <p>The Port of Oakland to consult the Metropolitan Transportation Commission, on infrastructure projects that improve cargo movement efficiency and reduce congestion impacts associated with cargo movement.</p> <p>The Port of Oakland to consult the Bay Area Air Quality Management District, on air quality projects that reduce pollution associated with cargo movement, including projects that reduce pollution from trucks, cargo handling equipment, locomotives, and ships.</p> <p>Requires the ports to provide the assessments to the Legislature by July 1, 2010, including assessments of infrastructure and air quality improvement costs, funding sources, and possible funding options for projects without a funding source.</p>		
SB 728 (Lowenthal)(D) I-02/27/2009	Air pollution: parking cash-out program.	05/26/2009-In Assembly. Read first time. Held at Desk.	ACTIA-Watch CMA-Watch

		(05/26/2009-A DESK)	
	<p>NOTE: SB 728 is another bill that attempts to add teeth to the Parking Cash-out Program. This bill would authorize the Air Resources Board to impose a civil penalty for violating this program, as well as authorize cities, counties, and air districts to adopt a local ordinance and penalty to ensure employers comply with the program.</p> <p>Under the Parking Cash-out Program any employer with 50 or more employees that are located in a non-attainment area must provide a parking cash out program if the employer provides a parking subsidy to employees.</p>		